



January 27, 2006

## HOUSE BILL No. 1099

DIGEST OF HB 1099 (Updated January 26, 2006 1:15 pm - DI 14)

**Citations Affected:** IC 5-10.3; IC 22-11; IC 22-14.

**Synopsis:** Fireworks sales and discharge. Renames common fireworks as consumer fireworks. Allows for the issuance of a permit for a special discharge location (location) for fireworks, and sets conditions for issuance of the permits and requirements for discharge of consumer fireworks at a location. Sets a permit fee of \$5,000 for the first location requested and a fee of \$1,000 for each additional location, with the fees to be divided between the firefighting and emergency equipment revolving loan fund and the public employees' retirement fund pension relief fund. Sets requirements for the structure in which consumer fireworks may be sold. Sets an annual registration fee of \$100 for an additional location over the first from which consumer fireworks are offered for sale for use at a location. Removes the requirement that a purchaser of consumer fireworks provide a written assurance that the consumer fireworks will be shipped out of Indiana within five days of purchase. Makes it a Class A misdemeanor for: (1) a person less than 18 years of age to knowingly or intentionally purchase consumer fireworks; (2) a seller of consumer fireworks to knowingly or intentionally fail to request photographic identification of a purchaser who appears less than 25 years of age; and (3) a seller of consumer fireworks to knowingly or intentionally fail to record certain information regarding a sale of consumer fireworks. Makes it a Class D infraction, or a Class C infraction under certain circumstances, for a person to ignite, discharge, or use consumer fireworks intended to be used at a location at a site other than a location. Makes conforming amendments.

**Effective:** Upon passage.

**Frizzell, Crooks**

January 5, 2006, read first time and referred to Committee on Public Policy and Veterans Affairs.

January 26, 2006, reported — Do Pass.

HB 1099—LS 6427/DI 96+



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January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1099

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-10.3-11-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is created  
3 within the public employees' retirement fund a separate account known  
4 as the pension relief fund. This fund is administered by the board of  
5 trustees of the public employees' retirement fund, referred to as the  
6 "state board" in this chapter. The pension relief fund consists of  
7 revenues received under IC 6-7-1-28.1(4), IC 7.1-4-12-1,  
8 **IC 22-11-14-11**, any appropriations to the fund, and earnings on these  
9 revenues.  
10 SECTION 2. IC 22-11-14-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
12 chapter and IC 22-11-14.5:  
13 "Auto burglar alarm" means a tube that contains pyrotechnic  
14 composition that produces a loud whistle or smoke when ignited. A  
15 small quantity of explosive, not exceeding fifty (50) milligrams, may  
16 also be used to produce a small report. A squib is used to ignite the  
17 device.

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"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

~~"Common~~ **"Consumer** firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. ~~Common~~ **Consumer** fireworks:

(1) include:

(A) ground and hand held sparkling devices, which include dipped stick, certain wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(B) aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;

(C) ground audible devices, which include firecrackers, salutes, and chasers; and

(D) firework devices containing combinations of two (2) or more of the effects described in the preceding three (3) clauses; and

(2) do not include the following novelties and trick noisemakers:

(A) Snakes or glow worms.

(B) Smoke devices.

(C) Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item.

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(D) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms.

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a ~~common~~ **consumer** firework that consists of a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of ~~common~~ **consumer** fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of ~~common~~ **consumer** fireworks and special fireworks. The following items are excluded from the definition of fireworks:

- (1) Model rockets.
- (2) Toy pistol caps.
- (3) Emergency signal flares.
- (4) Matches.
- (5) Fixed ammunition for firearms.

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(6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.

(7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.

(8) Indoor pyrotechnics special effects material.

**(9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.**

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

(1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;

(2) to which some type of propeller or blade device is attached; and

(3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

(1) contains up to one hundred (100) grams of pyrotechnic composition;

(2) produces, upon ignition, a colored fire; and

(3) is either a spike, base, or handle type device.

"Importer" means:

(1) a person who imports fireworks from a foreign country; or

(2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (2001 edition)).

**"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks not approved for sale in Indiana.**

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

(1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or

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plastic base is attached;

(2) contains up to forty (40) grams of pyrotechnic composition;  
and

(3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

"Missile-type rocket" means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

**"Pyrotechnician" means an individual with responsibility for the safety, set up, or discharge of fireworks.**

"Retail sales stand" means a temporary business site or location where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

(1) consists of a tube that ~~does not exceed one-half (1/2) inch in inside diameter and that~~ contains up to twenty (20) grams of pyrotechnic composition;

(2) contains a ~~wooden~~ stick for guidance and stability; and

(3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic

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composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

**"Special discharge location" means a location designated for the discharge of consumer fireworks by individuals.**

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as ~~common~~ **consumer** fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who:

- (1) purchases fireworks for resale to retailers;
- (2) **sells consumer fireworks for use at a special discharge location; or**
- (3) **is described in both subdivisions (1) and (2).**

SECTION 3. IC 22-11-14-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) After application to the chief of a municipal or township fire department, a person shall be granted a permit to sponsor a special discharge location in the municipality or the township if the following conditions are satisfied:**

- (1) **There are at least six (6) pyrotechnicians who:**
  - (A) **are listed on the application for the permit and are subsequently approved by the chief of the municipal or**

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- 1 township fire department to supervise the special  
2 discharge location; and  
3 (B) will be present at the special discharge location during  
4 the times the special discharge location is accessible to the  
5 public.  
6 (2) The special discharge location will be located in an area  
7 approved by the chief of the municipal or township fire  
8 department.  
9 (3) The special discharge location will be located not more  
10 than seventy-five (75) miles from the point of sale of the  
11 consumer fireworks that are to be used at the special  
12 discharge location.  
13 (4) If the application is for the celebration of Independence  
14 Day, the special discharge location will be accessible to the  
15 public for the discharge of the consumer fireworks from 8  
16 p.m. until 11 p.m. on July 3, 4, and 5.  
17 (5) The person who sponsors the special discharge location  
18 applies for a special discharge location permit at least fifteen  
19 (15) days before the first date on which the special discharge  
20 location is scheduled to be used.  
21 (6) The availability of the special discharge location is  
22 advertised in a newspaper or another medium in a manner  
23 other than by legal notice, at least five (5) days before the first  
24 day on which the special discharge location is to be used.  
25 (7) If the person applies to sponsor more than one (1) special  
26 discharge location, the person will provide security for each  
27 special discharge location.  
28 (8) The person has provided proof of liability insurance in the  
29 amount of one million dollars (\$1,000,000) to the chief of the  
30 municipal or township fire department. If the person applies  
31 to sponsor more than one (1) special discharge location, the  
32 person must provide the proof of insurance required by this  
33 subdivision for each special discharge location.  
34 (9) Each pyrotechnician and employee of the sponsor of the  
35 special discharge location is covered by worker's  
36 compensation insurance.  
37 (10) The person has paid a permit fee of five thousand dollars  
38 (\$5,000) to sponsor one (1) special discharge location. If the  
39 person applies to sponsor more than one (1) special discharge  
40 location, the person must pay a permit fee of one thousand  
41 dollars (\$1,000) for each additional special discharge location.  
42 (b) A denial of a permit for a special discharge location by the

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chief of a municipal or township fire department must:

(1) be in writing; and

(2) state all reasons for the denial.

The person requesting the special discharge location permit may appeal the denial of the permit to the circuit or superior court of the county where the special discharge location would be located. An emergency hearing regarding the denial shall be scheduled not later than three (3) days after the appeal is filed.

SECTION 4. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

(1) any resident wholesaler, manufacturer, importer, or distributor from selling:

(A) at wholesale fireworks not prohibited by this chapter; or

~~(B) fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale;~~

**(B) consumer fireworks to be used in conjunction with a special discharge location under section 3.5 of this chapter;**

(2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(3) the sale or use of blank cartridges for:

(A) a show or theater;

(B) signal or ceremonial purposes in athletics or sports; or

(C) use by military organizations;

(4) the intrastate sale of fireworks not approved for sale in Indiana between ~~interstate~~ wholesalers;

(5) the possession, sale, or disposal of fireworks, incidental to the public display of ~~Class B special~~ fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell ~~Class B special~~ explosives from the Bureau of Alcohol, Tobacco, and Firearms and Explosives, United States Department of the ~~Treasury; Justice;~~ or

(6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

(1) is a resident of Indiana;

(2) possesses for resale ~~common consumer~~ fireworks; ~~approved or not approved for sale in Indiana;~~

(3) is engaged in the ~~interstate~~ sale of ~~common consumer~~ fireworks described in subdivision (2) as ~~an essential~~ a part of a

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business that is located in a permanent structure ~~and is open at~~  
~~least six (6) months each year; or structures that:~~

(A) contain four (4) walls, a roof, and a floor;

(B) have at least:

(i) one (1) smoke detector for each one thousand (1,000)  
square feet of firework selling floor space;

(ii) two (2) smoke detectors for each structure;

(iii) one (1) fire extinguisher for each one thousand  
(1,000) square feet of firework selling floor space; and

(iv) two (2) fire extinguishers for each structure;

(C) do not exceed ten thousand (10,000) square feet in total  
area unless:

(i) the structure is in existence on June 1, 2006; and

(ii) the entire structure is equipped with an automatic  
sprinkling system;

(D) if the structures have another tenant that sell another  
commodity, have a fixed fire wall separation of at least a  
two (2) hour fire resistive construction as constructed  
according to the rules of the fire prevention and building  
safety commission between the area where fireworks are  
offered for sale and the other tenant of the building;

(E) prohibit smoking in the structure and have at least:

(i) one (1) sign posted for each one thousand (1,000)  
square feet of floor space; and

(ii) two (2) signs posted in each structure;

stating that smoking is prohibited where fireworks are sold  
or stored;

(F) if the structures are wholesale outlets, have a minimum  
occupancy classification of "B" or "M" under the rules  
adopted as the Indiana building code by the fire prevention  
and building safety commission;

(G) if the structures are wholesale outlets and:

(i) are subject to a zoning regulation and are situated in  
an area zoned by a municipality or county as  
commercial, industrial, or business; and

(ii) are covered by a general liability insurance policy  
that insures against liability in the amount of at least two  
million dollars (\$2,000,000) that has been forwarded  
with the application for a certificate of compliance as  
required under section 5(b) of this chapter; and

(H) if the structures were not in existence before May 1,  
1998, complies with the rules adopted as the Indiana

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building code by the fire prevention and building safety  
commission;

(4) sells common fireworks described in subdivision (2) only to  
purchasers; who provide a written and signed assurance that the  
fireworks are to be shipped out of Indiana within five (5) days of  
the date of sale; and

(5) (4) has legal possession of a certificate of compliance issued  
by the state fire marshal under ~~section 5~~ **section 5(b)** of this  
chapter.

~~(c) A purchaser may not provide a written and signed assurance that  
the fireworks purchased are to be shipped out of Indiana and then sell  
or use them in Indiana.~~

SECTION 5. IC 22-11-14-5 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire  
marshal shall remove at the expense of the owner, all stocks of  
fireworks or combustibles possessed, transported, or delivered in  
violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of  
fireworks, novelties, and trick noisemakers unless, prior to shipment  
into this state for sale, the manufacturer, wholesaler, importer, or  
distributor of the fireworks, novelties, and trick noisemakers submits  
to the state fire marshal:

(1) a complete description of each item proposed to be shipped  
into Indiana;

(2) a written certification that the items are manufactured in  
accordance with section 1 of this chapter; and

(3) an annual registration fee of one thousand dollars (\$1,000) **for  
the first location and an additional registration fee of one  
hundred dollars (\$100) for each subsequent location from  
which consumer fireworks are to be offered for sale for use at  
a special discharge location. The registration fee shall be  
deposited in the fire and building services fund as set forth in  
IC 22-12-6-1(c).**

If upon inspection the state fire marshal finds that this chapter has been  
complied with, an annual certificate of compliance shall be issued to  
the manufacturer, wholesaler, importer, or distributor. An annual  
certificate of compliance **may not be applied for after June 15 of a  
year and** expires December 31 of the year ~~during in~~ which the  
certificate is issued. Each manufacturer, wholesaler, importer, or  
distributor must obtain a certificate of compliance. The certificate is  
not transferable. ~~except that~~ A retailer that offers the items for sale to  
the public is entitled to receive a certified copy of the certificate from

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the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items. A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed, or marked on the package, box, or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

**(e) A person less than eighteen (18) years of age may not knowingly or intentionally purchase consumer fireworks.**

**(f) A seller of consumer fireworks may not knowingly or intentionally fail to request photographic identification of a purchaser who appears to be less than twenty-five (25) years of age.**

**(g) At the time of sale, a seller of consumer fireworks may not knowingly or intentionally fail to record the following information regarding a sale of consumer fireworks other than those listed in section 8 of this chapter:**

- (1) The purchaser's name.**
- (2) The purchaser's address.**
- (3) The date of the sale.**

**The seller shall keep the record for not less than one (1) year and shall make the record available to the state fire marshal upon request.**

SECTION 6. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** A person

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who violates ~~section 4(c)~~, **section 5(c), 5(d), 5(e), 5(f), 5(g)**, 7, or 8 of this chapter commits a Class A misdemeanor.

**(b) A person who ignites, discharges, or uses consumer fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction. However, if a person commits an offense under this subsection not later than five (5) years after the date of the commission of a prior offense, the person commits a Class C infraction.**

SECTION 7. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each ~~interstate~~ wholesaler shall keep a record of each sale of fireworks not approved for sale in Indiana. This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler **(as described in section 4(b) of this chapter)** shall post in a prominent location in the **resident** wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who ~~provide a written and signed assurance that will use~~ the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)." **at a special discharge location. A person who ignites, discharges, or uses consumer fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction. However, if a person commits the offense not later than five (5) years after the date of the commission of a prior offense, the person commits a Class C infraction."**

The state fire marshal shall provide ~~interstate~~ **resident** wholesalers of **fireworks** with signs for the purposes of this subsection.

SECTION 8. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: **Sec. 11. Except as provided in sections 2(a)(2) and 5(b) of this chapter, all fees collected under this chapter shall be deposited equally between:**

**(1) the firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1; and**

**(2) the pension relief fund established by IC 5-10.3-11-1.**

SECTION 9. IC 22-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The firefighting and emergency equipment revolving loan fund is established. The office shall administer the revolving fund. The revolving fund must be used for the purposes of:

(1) providing loans for the purchase of new or used firefighting and other emergency equipment or apparatus under this chapter; and

(2) paying the costs of administering this chapter.

(b) The revolving fund consists of:

(1) amounts appropriated by the general assembly;

(2) the repayment proceeds (including interest) of loans made from the revolving fund;

(3) donations, grants, and money received from any other source; ~~and~~

(4) amounts that the department transfers to the revolving fund from the fire and building services fund; **and**

**(5) fees collected and deposited in the fund as required by IC 22-11-14-11.**

(c) The treasurer of state shall invest the money in the revolving fund not currently needed to meet the obligations of the revolving fund in the same manner as other public funds may be invested.

(d) Money in the revolving fund at the end of the fiscal year does not revert to the state general fund.

(e) The revolving fund is subject to an annual audit by the state board of accounts. The revolving fund shall pay all costs of the audit.

**SECTION 10. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1099, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STUTZMAN, Chair

Committee Vote: yeas 9, nays 0.

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